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FILED

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RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 N.D. CALIFORNIA

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ADR

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANNA STOWE, an individual,

Plaintiff,

v.

EXPERIAN INFORMATION
 SOLUTIONS, INC.; TRANSUNION
 LLC; EQUIFAX INFORMATION
 SERVICES, L.L.C.; LA CURACAO;
 and TOPAZ FINANCIAL SERVICE

Defendants.

CV 11-02428

Case No.:

HRL

**COMPLAINT FOR VIOLATIONS
 OF FAIR CREDIT REPORTING
 ACT (15 U.S.C. § 1681)**

1. FAILURE TO ESTABLISH PROPER PROCEDURES (15 U.S.C. § 1681e)
2. FAILURE TO BLOCK IDENTITY THEFT INFO (15 U.S.C. § 1681e)
3. FAILURE TO NOTIFY FURNISHERS OF IDENTITY THEFT INFO (15 U.S.C. § 1681c-2)
4. FAILURE TO REINVESTIGATE (15 U.S.C. § 1681i)
5. FAILURE TO PREVENT REFURNISHING IDENTITY THEFT INFO (15 U.S.C. § 1681s-2)

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1
2 COMES NOW the Plaintiff, Anna Stowe, (hereafter "Plaintiff") by counsel,
3 and for her complaint against Defendants, alleges as follows:

4 **JURISDICTION AND VENUE**

5 1. This is an action for actual, statutory, and punitive damages, costs, and
6 attorney's fees brought pursuant to 15 U.S.C. § 1681 *et seq.* (Federal Fair Credit
7 Reporting Act).

8 **PARTIES**

9 2. The jurisdiction of this Court is conferred by 15 U.S.C. § 1681(p) and
10 28 U.S.C. § 1367.

11 3. The Plaintiff is a natural person and resident of California. She is a
12 "consumer" as defined by 15 U.S.C. § 1681a(c).

13 4. Upon information and belief, Defendant EXPERIAN INFORMATION
14 SOLUTIONS, INC. (hereafter "Experian") is a corporation incorporated under the
15 laws of the State of Texas authorized to do business under the laws of the State of
16 California through its registered offices at 475 Anton Boulevard, Costa Mesa
17 California 92626.

18 5. Upon information and belief, Experian is a "consumer reporting
19 agency", as defined in 15 U.S.C. § 1681a(f). Upon information and belief,
20 Experian is regularly engaged in the business of assembling, evaluating, and
21 disbursing information concerning consumers for the purpose of furnishing
22 consumer reports, as defined in 15 U.S.C. § 1681a(d) to third parties.

23 6. Upon information and belief, Experian disburses such consumer
24 reports to third parties under contract for monetary compensation.

25 7. Upon information and belief, Defendant EQUIFAX INFORMATION
26 SERVICES, L.L.C. (hereafter "Equifax") is a corporation incorporated under the
27 laws of the State of Georgia authorized to do business under the laws of the State of
28 California through its registered offices at 1550 Peachtree Street, Northwest,

1 Atlanta, Georgia 30309.

2 8. Upon information and belief, Equifax is a “consumer reporting
3 agency”, as defined in 15 U.S.C. § 1681a(f). Upon information and belief,
4 Experian is regularly engaged in the business of assembling, evaluating, and
5 disbursing information concerning consumers for the purpose of furnishing
6 consumer reports, as defined in 15 U.S.C. § 1681a(d) to third parties.

7 9. Upon information and belief, Equifax disburses such consumer reports
8 to third parties under contract for monetary compensation.

9 10. Upon information and belief, Defendant TRANSUNION, L.L.C.
10 (hereafter “TransUnion” and collectively, with Equifax and Experian, the “Credit
11 Reporting Agencies” or “CRA’s”) is a business entity organized under the laws of
12 Delaware authorized to do business under the laws of the State of California
13 through its registered offices at 1510 Chester Pike, Crum Lynne, PA 19022.

14 11. Upon information and belief, TransUnion is a “consumer reporting
15 agency”, as defined in 15 U.S.C. § 1681a(f). Upon information and belief,
16 Experian is regularly engaged in the business of assembling, evaluating, and
17 disbursing information concerning consumers for the purpose of furnishing
18 consumer reports, as defined in 15 U.S.C. § 1681a(d) to third parties.

19 12. Upon information and belief, Defendant LA CURACAO (hereafter
20 “LA Curacao”) is a business entity organized under the laws of California
21 authorized to do business under the laws of the State of California through its
22 registered offices at 1605 West Olympic Boulevard, Suite 600, Los Angeles,
23 California 90015.

24 13. Upon information and belief, LA Curacao is a “furnishers of
25 information to consumer reporting agencies” as applied in 15 U.S.C. § 1681s-2.
26 Upon information and belief, LA Curacao is a creditor who holds a debt that
27 resulted from the theft of Plaintiff’s identity as described below.

28 14. Upon information and belief, Defendant TOPAZ FINANCIAL

1 SERVICE (hereafter “Topaz” and collectively with LA Curacao the “Information
2 Providers”) is a business entity organized under the laws of the State of California
3 authorized to do business under the laws of the State of California through its
4 registered offices at 15 St. Francis Boulevard, Daly City, California 94015.

5 15. Upon information and belief, Topaz is a “furnishers of information to
6 consumer reporting agencies” as applied in 15 U.S.C. § 1681s-2. Upon information
7 and belief, Topaz is a creditor who holds a debt that resulted from the theft of
8 Plaintiff’s identity as described below.

ALLEGATIONS COMMON TO ALL CLAIMS

Plaintiff's Identity Theft

11 16. On or about September 13, 2010, Plaintiff discovered that she had been
12 the victim of numerous instances of identity theft. Her credit reports compiled and
13 reported to creditors by Defendant Credit Reporting Agencies contained numerous
14 negative items associated with a “Ana Jimenez” or “Ana Delrocio Gamarra”, thirty-
15 eight (38) years old, of Florida. Plaintiff does not reside in Florida and has resided
16 in Santa Clara County California for more than twenty (20) years.

17 17. Plaintiff has informed the Credit Reporting Agencies of the identity
18 theft and requested that fraud alerts be placed in her credit reports.

18. On or about October 6, 2010, Plaintiff filed an identity theft police
report, Report No. 10-1992, ("Identity Theft Report") with Officer Kimball Stanley
of the Los Gatos / Monte Sereno Police Department. A copy of the Identity Theft
Report is attached hereto as Exhibit A.

23 19. Thereafter, Plaintiff provided the CRA's with proof of her identity, a
24 copy of the Identity Theft Report, identification of the fraudulent information, and a
25 statement that the information does not relate to any transaction by Plaintiff.

26 20. On information and belief, the CRA's failed to provide notice to the
27 Information Providers that the fraudulent information may be a result of identity
28 theft; that an identity theft report has been filed; that a block has been requested

under this section; and of the effective dates of the block.

2 21. Alternatively, the CRA's provided notice to the Information Providers
3 that the fraudulent information may be a result of identity theft; that an identity theft
4 report has been filed; that a block has been requested under this section; and of the
5 effective dates of the block. Thereafter, the Information Providers failed to conduct
6 an investigation with respect to the disputed information; review all relevant
7 information provided by the consumer reporting agency pursuant to section 1681i
8 (a)(2); report the results of the investigation to the consumer reporting agency; if the
9 information is incomplete or inaccurate, report those results to all other consumer
10 reporting agencies to which the person furnished the information and that compile
11 and maintain files on consumers on a nationwide basis; and in cases inaccurate,
12 incomplete, or unverifiable information, promptly modify, delete, or permanently
13 block the reporting of that item of information.

FIRST CLAIM FOR RELIEF

(Failure to Establish Proper Procedures – 15 U.S.C. § 1681e)

22. Plaintiff realleges and incorporates paragraphs 1 through 21 above as if fully set forth herein.

23. Defendants CRA's violated 15 U.S.C. § 1681e(b) by failing to establish or to follow reasonable procedures to assure maximum possible accuracy in the preparation of the credit report and credit files it published and maintains concerning Plaintiff.

24. As a result of this conduct, action and inaction of Defendants CRA's, Plaintiff suffered damages by loss of credit, loss of ability to purchase and benefit from credit, the mental and emotional pain and anguish and the humiliation and embarrassment of credit denials.

25. Defendants CRA's conduct, action, and inaction were willful, rendering it liable for punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n. In the alternative, it was negligent, entitling

1 Plaintiff to recover under 15 U.S.C. § 1681o.

2 26. Plaintiff is entitled to recover attorney's fees from Defendants CRA's
3 in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or §
4 1681o.

5 **SECOND CLAIM FOR RELIEF**

6 **(Failure to Block Identity Theft Information – 15 U.S.C. § 1681c)**

7 27. Plaintiff realleges and incorporates paragraphs 1 through 21 above as if
8 fully set forth herein.

9 28. Defendants CRA's violated 15 U.S.C. § 1681c on multiple occasions
10 by failing to block information regarding the instances of identity theft contained in
11 Plaintiff's credit reports after receiving actual notice of such information; proof of
12 Plaintiff's identity; a copy of the Identity Theft Report; and a statement that the
13 information does not relate to any transaction by Plaintiff.

14 29. As a result of this conduct, action and inaction of Defendants CRA's,
15 Plaintiff suffered damages by loss of credit, loss of ability to purchase and benefit
16 from credit, the mental and emotional pain and anguish and the humiliation and
17 embarrassment of credit denials.

18 30. Defendants CRA's' conduct, action, and inaction were willful,
19 rendering it liable for punitive damages in an amount to be determined by the Court
20 pursuant to 15 U.S.C. § 1681n. In the alternative, it was negligent, entitling
21 Plaintiff to recover under 15 U.S.C. § 1681o.

22 31. Plaintiff is entitled to recover attorney's fees from Defendants CRA's
23 in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or §
24 1681o.

25 **THIRD CLAIM FOR RELIEF**

26 **(Failure to Notify Furnishers of Identity Theft Info. – 15 U.S.C. § 1681c-2)**

27 32. Plaintiff realleges and incorporates paragraphs 1 through 21 above as if
28 fully set forth herein.

1 33. Defendants CRA's violated 15 U.S.C. § 1681c-2 on multiple occasions
2 by failing to notify credit furnishers (1) that the information may be a result of
3 identity theft; (2) that an identity theft report has been filed; (3) that a block has
4 been requested under this section; and (4) of the effective dates of the block after
5 receiving actual notice of such information; proof of Plaintiff's identity; a copy of
6 the Identity Theft Report; and a statement that the information does not relate to any
7 transaction by Plaintiff.

8 34. As a result of this conduct, action and inaction of Defendants CRA's,
9 Plaintiff suffered damages by loss of credit, loss of ability to purchase and benefit
10 from credit, the mental and emotional pain and anguish and the humiliation and
11 embarrassment of credit denials.

12 35. Defendants CRA's' conduct, action, and inaction was willful,
13 rendering it liable for punitive damages in an amount to be determined by the Court
14 pursuant to 15 U.S.C. § 1681n. In the alternative, it was negligent, entitling
15 Plaintiff to recover under 15 U.S.C. § 1681o.

16 36. Plaintiff is entitled to recover attorney's fees from Defendants CRA's
17 in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or §
18 1681o.

FOURTH CLAIM FOR RELIEF

(Failure to Reinvestigate – 15 U.S.C. § 1681i)

21 37. Plaintiff realleges and incorporates paragraphs 1 through 21 above as if
22 fully set forth herein.

23 38. Defendants CRA's violated 15 U.S.C. § 1681i on multiple occasions
24 by failing to delete inaccurate information in Plaintiff's credit file after receiving
25 actual notice of such inaccuracies; by failing to conduct a lawful reinvestigation; by
26 failing to forward relevant information to the Creditors; failing to maintain
27 reasonable procedures with which to filter and verify disputed information in
28 Plaintiff's credit file; and by relying upon verification from a source it has reason

1 know is unreliable.

2 39. As a result of this conduct, action and inaction of Defendants CRA's,
3 Plaintiff suffered damages by loss of credit, loss of ability to purchase and benefit
4 from credit, the mental and emotional pain and anguish and the humiliation and
5 embarrassment of credit denials.

6 40. Defendants CRA's' conduct, action, and inaction was willful,
7 rendering it liable for punitive damages in an amount to be determined by the Court
8 pursuant to 15 U.S.C. § 1681n. In the alternative, it was negligent, entitling
9 Plaintiff to recover under 15 U.S.C. § 1681o.

10 41. Plaintiff is entitled to recover attorney's fees from Defendants CRA's
11 in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or §
12 1681o.

13 FIFTH CLAIM FOR RELIEF

(Failure to Prevent Refurnishing Identity Theft Info. – 15 U.S.C. § 1681s-2)

15 42. Plaintiff realleges and incorporates paragraphs 1 through 18 above as if
16 fully set forth herein.

17 43. Defendants Information Providers violated 15 U.S.C. § 1681s-2 by
18 failing to conduct an investigation with respect to the disputed information; review
19 all relevant information provided by the consumer reporting agency pursuant to
20 section 1681i (a)(2); report the results of the investigation to the consumer reporting
21 agency; if the information is incomplete or inaccurate, report those results to all
22 other consumer reporting agencies to which the person furnished the information
23 and that compile and maintain files on consumers on a nationwide basis; and in
24 cases inaccurate, incomplete, or unverifiable information, promptly modify, delete,
25 or permanently block the reporting of that item of information, after being notified
26 that they may have provided inaccurate information that may have resulted from
27 identity theft.

28 44. Defendants Information Providers conduct, action, and inaction was

44. Defendants Information Providers conduct, action, and inaction was willful, rendering it liable for punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n. In the alternative, it was negligent, entitling Plaintiff to recover under 15 U.S.C. § 1681o.

45. Plaintiff is entitled to recover attorney's fees from Defendants Information Providers in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or § 1681o.

WHEREFORE, Plaintiff demands judgment for compensatory and punitive damages against Defendants, jointly and severally; for her attorney's fees and costs; for pre-judgment and post-judgment interest at the legal rate; and such other relief the Court deems just, equitable, and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial of this action.

DATED: May 13, 2011

CENTURY LAW GROUP LLP

By:

Edward O. Lear
Rizza Gonzales
Attorneys for Plaintiff
ANNA STOWE

1 **DEMAND FOR JURY TRIAL**
2

3
4 Plaintiff hereby demands a jury trial of this action.
5

6 DATED: May 13, 2011
7

8 CENTURY LAW GROUP LLP
9

10 By:

11 
12 Edward O. Lear
13 Rizza Gonzales
14 Attorneys for Plaintiff
15 ANNA STOWE
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EXHIBIT A

Incident Report

Los Gatos/Monte Sereno Police Department



PO Box 973
110 E Main St
Los Gatos, California 95031
408-354-8600 LG []
408-354-0578 MS []

10-1992

 Supplement No
ORIG

Reported Date
10/06/2010
Nature of Call
THEFT IDN
Officer
KIMBAL STANLEY

Administrative Information

Agency Los Gatos/Monte Sereno Police Department				Report No 10-1992	Supplement No ORIG	Reported Date 10/06/2010
Reported Time 16:46	CAD Call No 102790097	Status Report	Nature of Call Identity Theft			
Location 49 TAIT AV				City LOS GATOS	ZIP Code 95030	Rep Dist LG300
Area LG	Beat 3	From Date 06/01/2003	From Time 08:00	To Date 10/06/2010		
Officer S062/KIMBAL STANLEY			Assignment Patrol Traffic Officer	Entered by S062		
Assignment Patrol Traffic Officer		RMS Transfer Successful	Aproving Officer S024	Approval Date 10/12/2010		
Approval Time 23:13:29						
# Offenses 1	Offense 530.5 PC	Description IDENTITY THEFT			Complaint Type	

Person Summary

Inv	Inv No	Type	Name	MNI	Race	Sex	DOB
VIC	1	I	STOWE, ANNA QUISUMBING	227787	A	F	07/23/1958

Summary Narrative

The victim's social security number was used to open numerous credit accounts from 2003 through 2010.

CONFIDENTIAL
DOCUMENT

Los Gatos / Monte Sereno
Police Department

Released C OCT 20 2010

Incident Report**10-1992**Supplement No
ORIG**Los Gatos/Monte Sereno Police Department****Victim 1: STOWE,ANNA QUISUMBING**

Involvement Victim	Inv No 1	Type Individual	Name STOWE,ANNA QUISUMBING	MNI 227787
Race Other Asian (NCIC=Asian/Pacific Islander)			Sex Female	DOB 07/23/1958
Ethnicity Not of Hispanic origin		Juvenile? No	Age 52	
Type Home	Address 49 TAiT AV			City LOS GATOS
ZIP Code 95030				State California
Type Operator License	ID No N778282	OLS California		
Type Social Security Number	ID No [REDACTED]			
Phone Type CELL	Phone No (408) 887-4556	Phone Type HOME	Phone No (408) 395-8678	

Modus OperandiSuspect Action
OTHERCrime Code(s)
IDENTITY THEFT**Narrative**

I. Additional Attachments: Copy of victim's credit report.
 Copy of affidavit of fraud.

II. Narrative: On 10/06/10 at approximately 1647 hours, I responded to 49 Tait Avenue for an identity theft report. (V) Stowe reported that she recently received a copy of her credit report. She discovered that numerous 'raudulent credit accounts had been opened using her social security number. The accounts have been opened all over the country beginning in 2005. The most recent have addresses in Orlando Florida. Accounts and information are provided on the attached credit reports.

(V) Stowe completed an affidavit fraud as well reporting the fraudulent use of her social security number to the Social Security Administration.

Follow Up: None

III. Recommendations: I recommend this case be forwarded to detective bureau and to the Orlando Florida Police Department.

COLW

**CONFIDENTIAL
DOCUMENT**

**Los Gatos / Monte Sereno
Police Department**
Released C OCT 20 2010